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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 STEVEN DARBY MCDONALD,

11 Plaintiff,

12 v.

13 KENNETH LAUREN, et al.,

14 Defendants.  
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CASE NO. 3:17-cv-05013-RBL-DWC

ORDER LIFTING STAY AND  
RENOTING PENDING MOTIONS

16 The District Court has referred this action to United States Magistrate Judge David W.  
17 Christel. On January 24, 2018, Plaintiff filed a Notice of Appeal, appealing this Court's Report  
18 and Recommendation and the Honorable Ronald B. Leighton's Order Denying Plaintiff's Motion  
19 to Vacate General Order 09-16. *See* Dkts. 91, 101, 105, 120, 123, 124. On February 26, 2018,  
20 following an Order to Show Cause, the Court ordered this case be stayed until 30 days after the  
21 Ninth Circuit Court of Appeals ("Ninth Circuit") had ruled on Plaintiff's Appeal and directed the  
22 Clerk to terminate all pending motions. Dkts. 130, 140. While the stay was in place, Plaintiff  
23 filed a second Appeal to the Ninth Circuit challenging the Court's Order Staying the Case. Dkt.  
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1 142. Plaintiff also filed an Amended Motion to Transfer the Case to Portland, Oregon, while the  
2 stay was still in place. Dkt. 150.

3 The Ninth Circuit denied Plaintiff's first Appeal and issued its Mandate on June 7, 2018.  
4 Dkt. 148. It also denied Plaintiff's second Appeal and issued its second Mandate on June 27,  
5 2018. Dkt. 152. As such, Plaintiff's Appeals have now both been terminated.

6 The stay has been in place since February 26, 2018 (129 days). The stay on this case is  
7 lifted. In light of the duration of the stay, the Court denies the following motions as moot, with  
8 leave to refile:

- 9 1. Motion to Compel Discovery Documents (Dkt. 80);
- 10 2. Motion to Extend Mandatory Pretrial Discovery and Scheduling Order
- 11 Deadlines (Dkt. 85);
- 12 3. Motion for Extension of Time to Complete Discovery (Dkt. 88);
- 13 4. Objection to Being Deposed (Dkt. 92);
- 14 5. Motion to Compel Specific Documents (Dkt. 93);
- 15 6. Motion to Transfer Case to Portland (Dkt. 129); and
- 16 7. Motion to Substitute New Defendant (Dkt. 138).

17 The Court notes discovery in this case was due by December 7, 2017, and any dispositive  
18 motions were due by February 7, 2018. Dkts. 35. The parties both moved for extensions of  
19 discovery during the discovery period. *See* Dkts. 85, 88. The Court also notes no dispositive  
20 motions have yet been filed in this case. Therefore, the Court amends its Pretrial Scheduling  
21 Order (Dkt. 35) as follows:

- 22 1. All discovery shall be completed by September 3, 2018.
- 23  
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2. A motion to compel discovery shall be filed not later than September 13, 2018.

3. Any dispositive motion shall be filed and served not later than October 3, 2018.

Plaintiff's Amended Motion for Preliminary Injunction (Dkt. 99) and Plaintiff's Amended Motion to Transfer Case to Portland (Dkt. 150) remain pending before the Court.

The Clerk is directed to re-note Plaintiff's Rule 72(a) Objection to the Order Striking Plaintiff's Legal Face Sheet (Dkt. 108) for July 20, 2018, and refer it to Judge Leighton.

Dated this 5th day of July, 2018.

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David W. Christel  
United States Magistrate Judge